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98TH CONGRESS
1ST SESSION

H. R. 1417

To promote the nuclear nonproliferation policies of the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1983

Mr. WOLPE (for himself, Mr. BONKER, Mr. BARNES, Mr. UDALL, Mr. OTTINGER, Mr. MARKEY, Mr. LEACH of Iowa, Mr. SEIBERLING, Mr. EDGAR, Mr. FASCELL, Mr. GEJDENSON, Mrs. SCHROEDER, Mrs. BOXER, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To promote the nuclear nonproliferation policies of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SHORT TITLE**

4 **SECTION 1.** This Act may be cited as the "Nuclear
5 Nonproliferation Policy Act of 1983".

6 **FINDINGS**

7 **SEC. 2.** The Congress finds that—

8 (1) the spread of highly enriched uranium, sepa-
9 rated plutonium, and other technologies usable in the

1 production of nuclear explosive devices poses a grave
2 threat to the security of the United States and to inter-
3 national security;

4 (2) the inadequacies of present international safe-
5 guards in preventing and detecting the clandestine
6 spread of these technologies substantially increase the
7 risk that nuclear weapons capability will spread to non-
8 nuclear-weapon states;

9 (3) development of effective international safe-
10 guards is hampered by a reluctance of nations to
11 submit to onsite inspections by the International
12 Atomic Energy Agency (IAEA), by inadequate finan-
13 cial resources of the IAEA, and by an absence of en-
14 forceable sanctions for violators of nonproliferation
15 agreements; and

16 (4) all nuclear supplier nations should more fully
17 cooperate with each other to insure the integrity of in-
18 ternational inspection, verification, and accounting
19 procedures.

20 TITLE I—AUTHORIZATIONS BY THE SECRETARY
21 OF ENERGY FOR CERTAIN ACTIVITIES OUT-
22 SIDE THE UNITED STATES

23 CONGRESSIONAL FINDING

24 SEC. 101. The Congress finds and declares that authori-
25 zations by the Secretary of Energy of transfers of nuclear

1 technology outside the United States are of vital importance
2 in controlling nuclear weapons proliferation.

3 PUBLIC NOTICE AND REPORT TO CONGRESS CONCERNING
4 ACTIVITIES AUTHORIZED

5 SEC. 102. Section 57 b. of the Atomic Energy Act of
6 1954 (42 U.S.C. 2077(b)) is amended—

7 (1) by striking out “b. It” and inserting in lieu
8 thereof “b. (1) It”;

9 (2) by striking out “(1)” and “(2)” in the first sen-
10 tence and inserting in lieu thereof “(A) and “(B)”, re-
11 spectively; and

12 (3) by adding at the end thereof the following new
13 paragraphs:

14 “(2) Notice of any authorization by the Secretary of
15 Energy under this subsection shall be published in the Fed-
16 eral Register, together with the written determination of the
17 Secretary that the activity authorized will not be inimical to
18 the interest of the United States. The authorization shall not
19 become effective until at least fifteen days after such publica-
20 tion.

21 “(3) Each report submitted to the Congress pursuant to
22 section 601(a) of the Nuclear Non-Proliferation Act of 1978
23 shall identify the activities subject to this subsection for
24 which the Secretary of Energy provided authorization during
25 the preceding calendar year, the person performing those ac-

1 tivities, and the country with respect to which the authoriza-
2 tion was provided. For purposes of such reports, the Secre-
3 tary of Energy shall require that persons, who engage in ac-
4 tivities requiring authorization by the Secretary under this
5 subsection and who are not required to submit an application
6 for such authorization, report to the Secretary with respect to
7 those activities.”.

8 COMPLIANCE WITH FULL-SCOPE SAFEGUARDS AND OTHER
9 NONPROLIFERATION CRITERIA

10 SEC. 103. (a) Section 128 of the Atomic Energy Act of
11 1954 (42 U.S.C. 2157) is amended by adding at the end
12 thereof the following new subsection:

13 “c. (1) Except as provided in paragraph (2) of this sub-
14 section, authorizations by the Secretary of Energy under sec-
15 tion 57 b. shall be effective with respect to a nonnuclear-
16 weapon state only if the Secretary of Energy has determined
17 that such state adheres to the criterion set forth in subsection
18 a. of this section and to criteria with respect to activities so
19 authorized which are equivalent to the criteria set forth in
20 section 127.

21 “(2) If the Secretary of Energy finds that an authoriza-
22 tion should be provided under section 57 b. with respect to a
23 nonnuclear-weapon state which does not adhere to all the
24 criteria referred to in paragraph (1) of this subsection, the
25 Secretary shall publicly issue such finding and shall submit

1 his recommendation for the proposed authorization to the
2 President. The President may authorize the Secretary of
3 Energy to grant the proposed authorization in accordance
4 with the procedures, and subject to the requirements and
5 conditions, set forth in the third and fourth sentences of sec-
6 tion 126 b. (2) of this Act.”.

7 (b) The amendment made by this section shall take
8 effect thirty days after the date of enactment of this Act.

9 CONDUCT RESULTING IN SUSPENSION OF
10 AUTHORIZATIONS FROM THE SECRETARY OF ENERGY

11 SEC. 104. Section 129 of the Atomic Energy Act of
12 1954 (42 U.S.C. 2158) is amended—

13 (1) in the text preceding paragraph (1), by insert-
14 ing “, and no authorization under section 57 b. of this
15 Act shall be effective with respect to” immediately
16 after “exported to”; and

17 (2) in the text following paragraph (2)(C), by in-
18 serting “and authorizations” immediately after “such
19 exports”.

20 TITLE II—HIGHLY ENRICHED URANIUM

21 EXPORTS OF HIGHLY ENRICHED URANIUM

22 SEC. 201. (a) The Atomic Energy Act of 1954 is
23 amended by inserting the following new chapter immediately
24 after chapter 11:

1 CHAPTER 11A. EXPORTS OF HIGHLY ENRICHED
2 URANIUM

3 “SEC. 135. STATEMENT OF UNITED STATES
4 POLICY.—The Congress finds and declares that the contin-
5 ued export and use of highly enriched uranium for civil nucle-
6 ar power poses a potentially serious threat to United States
7 security and foreign policy interests and that there is a need
8 to accelerate current United States and international efforts
9 to develop nuclear reactor fuels which are alternatives to
10 highly enriched uranium and which cannot be easily convert-
11 ed to use in a nuclear explosive device. Accordingly, it shall
12 be the policy of the United States, in cooperation with other
13 nations, to remove highly enriched uranium from interna-
14 tional commerce, to expedite development of non-weapons-
15 usable nuclear fuels, and to upgrade existing physical
16 security and safeguards arrangements for handling highly en-
17 riched uranium until it is removed from international
18 commerce.

19 "SEC. 136. EXPORTS OF HIGHLY ENRICHED URANI-
20 UM FOR REACTOR FUEL.—The Nuclear Regulatory Com-
21 mission may issue a license for the export of highly enriched
22 uranium to be used in a nuclear reactor only if, in addition to
23 other requirements of law, the Commission determines
24 that—

1 “(1) there is no alternative nuclear reactor fuel
2 available which can be used in that reactor, and that
3 reactor cannot otherwise use uranium which is en-
4 riched in the isotope 235 to a lesser percent than is the
5 proposed export;

6 “(2) the proposed recipient of that uranium has
7 provided assurances that, when an alternative nuclear
8 reactor fuel which can be used in that reactor becomes
9 available, it will use that fuel in lieu of highly enriched
10 uranium; and

11 “(3) the executive branch is taking whatever steps
12 are necessary to develop an alternative nuclear reactor
13 fuel.

14 “SEC. 137. LIMITATIONS ON QUANTITIES OF UNITED
15 STATES-ORIGIN HIGHLY ENRICHED URANIUM.—The Nu-
16 clear Regulatory Commission shall, in consultation with the
17 Secretary of State, determine a kilogram limit on the amount
18 of highly enriched uranium which has been exported from the
19 United States that will be allowed, in the form of fresh or
20 spent fuel, at any one time in each foreign country and at
21 each reactor site in each such country. The Commission shall
22 apply these limitations when considering any proposed export
23 of highly enriched uranium.

24 “SEC. 138. IMPROVING PHYSICAL SECURITY AR-
25 RANGEMENTS.—The Nuclear Regulatory Commission and

1 the executive branch shall support efforts, such as the trans-
2 port by sea verification program (the 'TRANSEAVAR Pro-
3 gram'), to improve physical security arrangements for exports
4 of highly enriched uranium.

5 "SEC. 139. ALTERNATIVE NUCLEAR REACTOR
6 FUELS.—Not later than three months after the date of enact-
7 ment of this chapter, the President shall submit to the Con-
8 gress a plan, developed in consultation with the Secretary of
9 State, with respect to the development and the use in foreign
10 reactors of alternative nuclear reactor fuels. The objective of
11 the plan shall be to complete, as soon as it is technically
12 feasible to do so, the conversion to alternative nuclear reactor
13 fuels of all reactors which are operated with highly enriched
14 uranium exported from the United States. The plan shall
15 specify—

16 "(1) the amounts that will be spent by the United
17 States each fiscal year to develop alternative nuclear
18 reactor fuels;

19 "(2) the steps the United States will take to facili-
20 tate and encourage the use of alternative nuclear reac-
21 tor fuels; and

22 "(3) how long it is estimated the conversion from
23 highly enriched uranium to alternative nuclear reactor
24 fuels will take.

1 The plan shall take into account the need to carry out exist-
 2 ing bilateral agreements between the United States and other
 3 countries.

4 “SEC. 140. DEFINITIONS.—As used in this Act—

5 “(1) the term ‘alternative nuclear reactor fuel’
 6 means reactor fuel which is enriched to 20 per centum
 7 or less in the isotope U-235 and which cannot be
 8 easily converted for use in a nuclear explosive device;
 9 and

10 “(2) the term ‘highly enriched uranium’ means
 11 uranium enriched to greater than 20 per centum in the
 12 isotope 235.”.

13 (b) The table of contents of the Atomic Energy Act of
 14 1954 is amended by inserting after the items relating to
 15 chapter 11 the following new items:

“CHAPTER 11A. EXPORTS OF HIGHLY ENRICHED URANIUM

“Sec. 135. Statement of United States policy.

“Sec. 136. Exports of highly enriched uranium for reactor fuel.

“Sec. 137. Limitations on quantities of United States-origin highly enriched
 uranium.

“Sec. 138. Improving physical security arrangements.

“Sec. 139. Alternative nuclear reactor fuel.

“Sec. 140. Definitions.”.

16 TITLE III—ARRANGEMENTS INVOLVING

17 REPROCESSING

18 SUBSEQUENT ARRANGEMENTS INVOLVING REPROCESSING

19 SEC. 301. Section 131 b. of the Atomic Energy Act of
 20 1954 (42 U.S.C. 2160(b)) is amended—

1 (1) in paragraph (2), by inserting “and the Nucle-
2 ar Regulatory Commission” immediately after “Secre-
3 tary of State”; and

4 (2) in paragraph (3), by inserting “and the Nucle-
5 ar Regulatory Commission” immediately after “Secre-
6 tary of State”.

7 PROGRAMMATIC APPROVALS FOR REPROCESSING

8 SEC. 302. Chapter 11 of the Atomic Energy Act of
9 1954 is amended by adding at the end thereof the following
10 new section:

11 “SEC. 132. PROGRAMMATIC APPROVALS FOR RE-
12 PROCESSING.—

13 “a. The United States may provide programmatic ap-
14 proval for reprocessing to a nation or group of nations only if
15 such approval is contained in a new or amended agreement
16 for cooperation—

17 “(1) which, in addition to meeting other applicable
18 requirements, provides that the cooperating party shall
19 require compliance with the criterion set forth in sec-
20 tion 128 a. of this Act with respect to its exports of
21 source material, special nuclear material, production
22 and utilization facilities, and sensitive nuclear
23 technology;

24 “(2) which provides a detailed description of the
25 activities approved;

1 “(3) which is submitted to the Congress with a
2 certification by the President that the judgments re-
3 quired by section 131 b. (2) of this Act, and the efforts
4 required by section 131 b. (3) of this Act, with respect
5 to subsequent arrangements have been made with re-
6 spect to the proposed programmatic approval for repro-
7 cessing; and

8 “(4) which has taken effect following review by
9 the Congress under section 123 d. of this Act.

10 “b. (1) As used in this section, the term ‘programmatic
11 approval for reprocessing’ means approval—

12 “(A) for the retransfer to a third country for re-
13 processing of special nuclear material, in quantities
14 greater than thirty-one metric tons, exported by the
15 United States or produced through the use of any nu-
16 clear material and equipment or sensitive nuclear tech-
17 nology exported by the United States;

18 “(B) for the reprocessing of any such special nu-
19 clear material in quantities greater than thirty-one
20 metric tons; or

21 “(C) for the subsequent retransfer of plutonium, in
22 quantities greater than two hundred and forty kilo-
23 grams, resulting from the reprocessing of any such spe-
24 cial nuclear material.

1 and security of the United States. Any such statement shall
2 be submitted to the President with the proposed agreement.

3 “b. The Secretary of State may notify the Nuclear Reg-
4 ulatory Commission of the judgment of the executive branch
5 in accordance with section 126 a. (1) of this Act only if the
6 Secretary of State has received from the Secretary of De-
7 fense a written statement that the Secretary of Defense
8 agrees with the proposed executive branch judgment.

9 “c. (1) The Secretary of Energy may enter into a pro-
10 posed subsequent arrangement under section 131 of this Act
11 only if the Secretary of Energy has received from the Secre-
12 tary of Defense a written statement that the Secretary of
13 Defense finds that the proposed arrangement will not be in-
14 imical to the common defense and security of the United
15 States. Any such statement shall be published in the Federal
16 Register with the notice of the proposed arrangement.

17 “(2) In addition, the Secretary of Energy may enter into
18 a subsequent arrangement subject to section 131 b. (2) of this
19 Act only if the Secretary of Energy has received from the
20 Secretary of Defense a written statement that it is the judg-
21 ment of the Secretary of Defense that the proposed reproc-
22 essing or retransfer will not result in a significant increase of
23 the risk of proliferation beyond that which exists at the time
24 that approval is requested. Among all the factors in making
25 this judgment, foremost consideration will be given to wheth-

1 er or not the reprocessing or retransfer will take place under
2 conditions that will insure timely warning to the United
3 States of any diversion well in advance of the time at which
4 the non-nuclear-weapon state could transform the diverted
5 material into a nuclear explosive device.

6 “(3) In the case of a subsequent arrangement subject to
7 paragraph (3) of section 131 b. of this Act, the Secretary of
8 Energy shall, when obtaining the view of the Secretary of
9 State, also obtain the view of the Secretary of Defense with
10 respect to what conditions satisfy the standards set forth in
11 paragraph (2) of that section.”.

12 TITLE V—EXPORTS OF REPROCESSING
13 COMPONENTS AND TECHNOLOGY

14 PROHIBITION

15 SEC. 501. (a) Chapter 11 of the Atomic Energy Act of
16 1954, as amended by sections 302 and 401 of this Act, is
17 further amended by adding at the end thereof the following
18 new section:

19 “SEC. 134. PROHIBITION OF EXPORTS OF REPROC-
20 ESSING COMPONENTS AND TECHNOLOGY.—

21 “a. Notwithstanding any other provision of law, essen-
22 tial reprocessing components, sensitive reprocessing technol-
23 ogy, and other assistance which is essential to nuclear fuel
24 reprocessing, may not be exported or otherwise provided
25 under any agreement for cooperation (except an agreement

1 for cooperation pursuant to section 91 c. or 144 c. of this
2 Act) or under any authorization by the Secretary of Energy
3 under section 57 b. of this Act.

4 “b. For purposes of this section—

5 “(1) the term ‘essential reprocessing component’
6 means any component part or group of component
7 parts which the President determines to be essential to
8 the operation of a complete facility for nuclear fuel re-
9 processing; and

10 “(2) the term ‘sensitive reprocessing technology’
11 means any information (including information incorpo-
12 rated in a production or utilization facility or important
13 component part thereof) which is not available to the
14 public and which is important to the design, construc-
15 tion, fabrication, operation, or maintenance of a nuclear
16 fuel reprocessing facility, but the term does not include
17 Restricted Data controlled pursuant to chapter 12 of
18 this Act.”.

19 (b) Section 402(b) of the Nuclear Non-Proliferation Act
20 of 1978 (42 U.S.C. 2153a(b)) is amended by striking out “,
21 nuclear fuel reprocessing,” both places it appears.

1 TITLE VI—EXPORTS LICENSED BY THE
2 DEPARTMENT OF COMMERCE
3 COMPLIANCE WITH FULL-SCOPE SAFEGUARDS AND OTHER
4 NONPROLIFERATION CRITERIA

5 SEC. 601. Section 128 of the Atomic Energy Act of
6 1954 (42 U.S.C. 2157), as amended by section 103 of this
7 Act, is further amended by adding at the end thereof the
8 following new subsection:

9 “d. (1) Except as provided in paragraph (2) of this sub-
10 section, the Secretary of Commerce may not issue a validat-
11 ed license under the Export Administration Act of 1979 for
12 the export to a non-nuclear-weapon state of goods or technol-
13 ogy which are to be used in a production or utilization facili-
14 ty, or which in the judgment of the Secretary of Commerce
15 are likely to be diverted for use in such a facility, unless the
16 Secretary of Energy has determined that such state—

17 “(A) adheres to the criterion set forth in subsec-
18 tion a. of this section; and

19 “(B) adheres, with respect to all goods and tech-
20 nology exported pursuant to such a validated license
21 and used in such a facility, to criteria which are equiv-
22 alent to the criteria set forth in section 127 of this Act.

23 “(2) If the Secretary of Energy finds that a license pro-
24 hibited under paragraph (1) of this subsection should be
25 issued, the Secretary shall publicly issue his decision to that

1 effect and shall submit the license application to the Presi-
2 dent. The President may authorize issuance of the license in
3 accordance with the procedures, and subject to the require-
4 ments and conditions, set forth in the third and fourth sen-
5 tences of section 126 b. (2) of this Act.”.

6 CONDUCT RESULTING IN DENIAL OF EXPORT LICENSES

7 SEC. 602. Section 129 of the Atomic Energy Act of
8 1954 (42 U.S.C. 2158), as amended by section 104 of this
9 Act, is further amended—

10 (1) in the text preceding paragraph (1), by insert-
11 ing “, no validated license under the Export Adminis-
12 tration Act of 1979 for the export of goods or technol-
13 ogy which are to be used (or which in the judgment of
14 the Secretary of Commerce are likely to be diverted
15 for use) in any production or utilization facility shall be
16 issued with respect to” immediately after “exported
17 to”; and

18 (2) in the text following paragraph (2)(C), by in-
19 serting “, licenses,” immediately after “such exports”.

○